

FALCON REFINERY SITE

Ingleside, San Patricio County, Texas

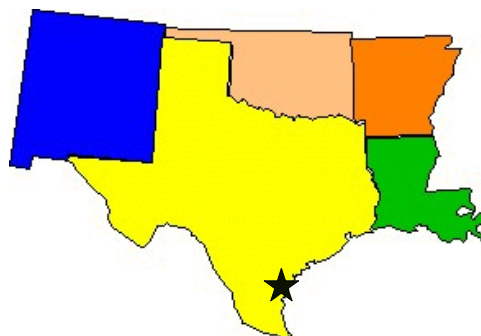
SITE STATUS SUMMARY

U.S. Environmental Protection Agency (Region 6)

EPA ID#: TXD086278058

State Congressional District: 15

Site Status Summary Updated: August 3, 2004



SITE DESCRIPTION

Location: The Falcon Refinery Site (hereinafter “the Site,” a.k.a National Oil Recovery Corporation) occupies approximately 104 acres and is located 1.7 miles southeast of State Highway 361 near the intersection of FM 2725 and Bishop Road near Ingleside, Texas (see the “Site Aerial Photograph” section of this summary). Ingleside is located approximately 18 miles northeast of Corpus Christi. The Site lies approximately five feet above sea level. The geodetic coordinates of 27°51’38.61” north latitude and 97°10’45.50” west longitude (taken from the U.S. Geological Survey, Port Ingleside Quadrangle, 7.5 Minute Series Map [1975]) represent the entrance to the main process area and were measured from the entrance on Bishop Road.

Population: The population of the City of Ingleside is approximately 9,388.

Setting: Falcon Refinery is an inactive refinery. The Site is located in the San Antonio-Nueces Coastal Basin adjacent to Redfish Bay, which connects Corpus Christi Bay to the Gulf of Mexico. Surface water drainage from the Site enters the wetlands along the southeastern section of the abandoned refinery. A culvert connects the on-site palustrine/estuarine wetlands to estuarine wetlands. The wetlands then connect to the Intracoastal Waterway and Redfish Bay. The Site is bordered by wetlands to the northeast and southeast, residential areas to the north and southwest, an abandoned refinery to the northwest, and a construction company to the southwest.

PRESENT STATUS AND ISSUES

- The Potentially Responsible Party for the Site entered into an “Administrative Order on Consent” with the U.S. Environmental Protection Agency (EPA), on June 9, 2004, to perform and finance the Remedial Investigation and Feasibility Study (RI/FS) for the Site. The purpose of the RI/FS is to determine the nature and extent of contamination and to gather sufficient information about the Site to support an informed risk management decision regarding which remedy is the most appropriate for the Site.

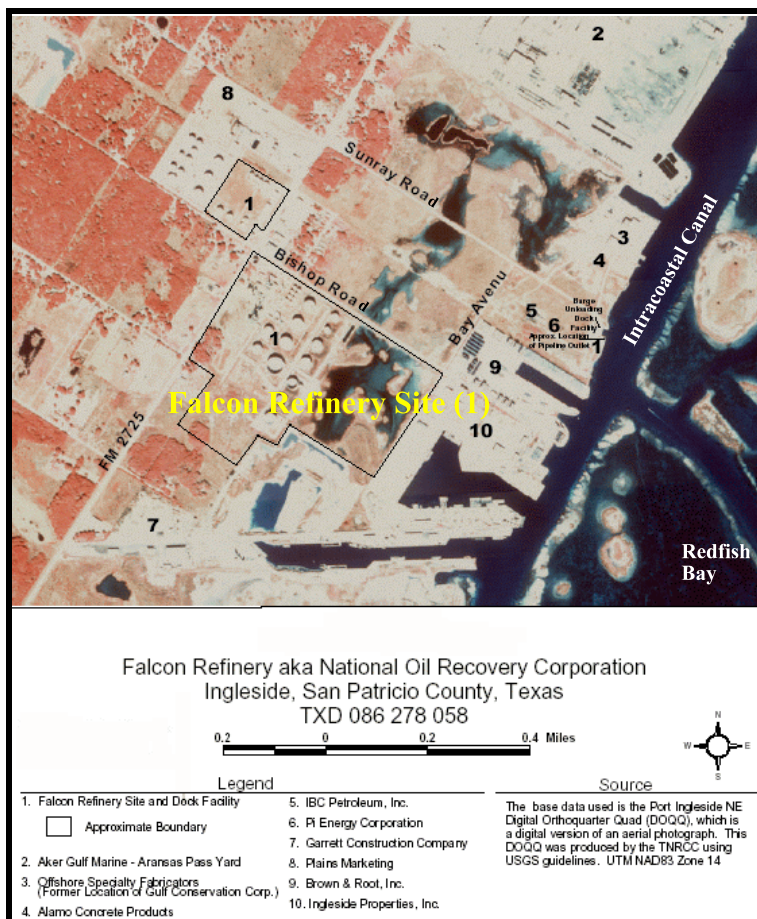
WASTES AND VOLUMES

- The types and volumes of wastes currently present at the Site or possibly released from the Site have not been determined. This information will be obtained during the Remedial Investigation and Feasibility Study currently being planned for the Site.

NATIONAL PRIORITIES LIST

- The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.
- NPL Inclusion Proposal Date: The “Proposed Rule” proposing the Site to the NPL was published in the Federal Register on September 5, 2002.

SITE AERIAL PHOTOGRAPH



SITE HISTORY

- The Falcon Refinery Site consists of an abandoned refinery that has operated intermittently since 1980. When in operation, the refinery operated at a 40,000 barrels per day capacity with primary products consisting of naphtha, jet fuel, kerosene, diesel, and fuel oil. The refinery processed material that consisted not only of crude oil but also hazardous substances.

ENFORCEMENT

- The Superfund Enforcement Program seeks to maximize the involvement of Potentially Responsible Parties (PRPs) in the cleanup of Superfund sites. Statutes provide the EPA with the authority to order PRPs to investigate and clean up sites, negotiate settlements with PRPs to fund and/or perform site cleanups, and commence legal action if the PRPs do not perform and/or pay for cleanup. A primary goal of the enforcement program is to obtain consensual settlement or, if necessary, compel PRPs to implement site cleanups. The primary tool used to achieve this goal is the Administrative Order on Consent (AOC). When EPA takes response or enforcement action at a site, the enforcement program's goal is to recover the costs of those actions from the PRPs. Once a PRP(s) has agreed to take response action at a site, the goal of the enforcement program is to ensure that the studies or cleanup activities are performed correctly and in accordance with the AOC and relevant EPA guidance.
- The EPA issued General Notice Letters (GNLs) to the PRPs on September 27, 2002. The GNLs notified the PRPs of their potential liability that they may incur or may have incurred with respect to the Site. The GNLs also notified the PRPs of the potential response activities at the Site which they may be asked to perform or finance at a later date. The GNL requested a response within thirty (30) days of the PRP's receipt of the GNL to indicate their willingness to participate in future negotiations about the planned Remedial Investigation and Feasibility Study (RI/FS) currently being planned for the Site.
- The EPA issued Special Notice Letters (SNLs) to several PRPs on May 28, 2003. The SNLs notified the PRPs that the EPA has determined that they may be liable for the cleanup of the Site. The SNL's requested reimbursement of costs incurred by the EPA in responding to the investigation of the Site. The SNLs also requested that the PRPs respond with a "good-faith offer," to perform the RI/FS, within sixty (60) days of their receipt of the letter.
- The PRP for the Site entered into an "Administrative Order on Consent" with the EPA, on June 9, 2004, to perform and finance the Remedial Investigation and Feasibility Study (RI/FS) for the Site.

HUMAN HEALTH AND ECOLOGICAL RISK ASSESSMENTS

- Human Health and Ecological Risk Assessments are an integral part of the Remedial Investigation and Feasibility Study (RI/FS) currently being planned for the Site.
- A Human Health Risk Assessment estimates the current and possible future risks if no action were taken to clean up a site. The EPA's Superfund risk assessors determine how threatening a hazardous waste site is to human health and the environment. They seek to determine a safe level for each potentially dangerous contaminant present (e.g., a level at which ill health effects are unlikely and the probability of cancer is very small). Living near a Superfund site doesn't automatically place a person at risk, that depends on the chemicals present and the ways people are exposed to them.
- An Ecological Risk Assessment is defined as a process that evaluates the likelihood that adverse ecological effects are occurring or may occur as a result of exposure to one or more stressors. A stressor is any physical, chemical, or biological entity that can induce an adverse ecological response. Adverse responses can range from sublethal chronic effects in individual organisms to a loss of ecosystem function. Only chemical or physical stressors are subject to risk management decisions at Superfund sites.
- Human Health and Ecological Risk Assessments will be performed during the RI/FS for the Site.

RECORD OF DECISION

- The final remedy (cleanup alternative) for a site is published in a Record of Decision (ROD). The ROD is the official documentation of how the EPA considered the remedial alternatives and why the EPA selected the final remedy. Before a ROD can be finalized, the EPA must provide a Proposed Plan for public review and comment. This plan summarizes the remedial alternatives presented in the analysis of the Remedial Investigation and Feasibility Study (RI/FS) and identifies the preferred alternative, the rationale for that preferred alternative, and documents that support the EPA's decision.
- A ROD has not been signed for the Site. A Proposed Plan will be presented to the public during the latter part of the RI/FS currently being planned for the Site. The RI/FS is expected to be completed approximately 1 ½ years from the start date.

COMMUNITY INVOLVEMENT

- "Community involvement" is the name the EPA uses to identify its process for engaging in dialogue and collaboration with communities affected by Superfund sites. The mission of the Superfund Community Involvement Program is to advocate and strengthen early and meaningful community participation during the EPA's remedial activities at a Site. The EPA's community involvement program is founded on the belief that people have a right to know what the EPA is doing in their community and to have a say in it. Its

purpose is to give people the opportunity to become involved in the EPA's activities and to help shape the decisions that are made at a site.

- **Community Involvement Plan:** The Community Involvement Plan (CIP) specifies the community involvement activities that the EPA expects to undertake during the remedial activities planned for the Site. A CIP, based on community interviews and other relevant information about the Site, has been prepared by the EPA and is available at the local Site repository.
- **Public Meetings:** Public meetings will be scheduled during the early phases of the RI/FS currently being planned for the Site.
- **Fact Sheets:** Fact sheets will be prepared as necessary during the planning and implementation of the RI/FS. These fact sheets will be filed at the Site's repository and distributed to people on the mailing list. Anyone who wishes to be placed on the mailing list to receive current information about the Site is encouraged to call 1-800-533-3508. This Site Status Summary can be found on the internet at the following address:

<http://www.epa.gov/earth1r6/6sf/pdf/files/falcon.pdf>

- **Site Repository:** The purpose of the Site Repository is to provide the public a location near their community to review and copy background and current information about the Site. The Site's repository is located at:

Ingleside Public Library
2775 Waco St.
Ingleside, TX 78362

TECHNICAL ASSISTANCE GRANT

- A Technical Assistance Grant (TAG) is for a local citizens' group to secure the services of a technical advisor to increase citizen understanding of information that will be developed about the Site during the Superfund process. By law, only one grant for up to \$50,000 may be awarded to a citizens' group for this Site. To be eligible for a grant, a group must incorporate. Also, the applicant must meet a 20 percent matching requirement, which may be in cash or donated services. If you are interested in applying for a TAG, please call Ms. Beverly Negri (TAG Coordinator) at (214) 665-8157 or toll-free at 1-800-533-3508.
- **Availability Notice:** An Availability Notice for a TAG was published in the Aransas Pass Progress on September 18, 2002.
- **Letter of Intent:** The TAG application process begins when a group of individuals affected by the Site submit a Letter of Intent (LOI) to the EPA. A LOI was received on November 19, 2002. This LOI notified the EPA of the Coastal Bend Bays Foundation's (CBBF) intent to apply for a TAG for the Site. The Executive Director for the CBBF can be reached at the following address:

Teresa A. Carrillo, Executive Director
Coastal Bend Bays Foundation
723 N. Upper Broadway, Suite 411
Corpus Christi, TX 78401
Telephone #: 361-882-3439
Fax #: 361-882-5625

The EPA published a notice in a local newspaper that the CBBF expressed interest in applying for the TAG. No other applications were received.

- Final Application Received: The final application was received from the CBBF on March 5, 2003.
- Grant Awarded: A TAG has not been awarded.
- Current Status: The TAG “Decision Memorandum” was forwarded for processing on March 20, 2003. The TAG application is currently being processed.

SITE TEAM

U.S. Environmental Protection Agency (EPA):

- Rafael Abrego Casanova (Remedial Project Manager, Environmental Scientist, Bilingual - Spanish/English):
Contact for “any” questions about the Site and this Site Status Summary;
214-665-7437*; E-Mail Address, casanova.rafael@epa.gov
- Gary Moore (On-Scene Coordinator):
Contact for “emergency removal” questions; 214-665-6609*; E-Mail Address, moore.gary@epa.gov
- Gloria Moran (Attorney):
Contact for “legal” questions; 214-665-3193*; E-Mail Address, moran.gloria-small@epa.gov
- Chuck Talton (Enforcement Officer):
Contact for “cost recovery” questions; 214-665-6475*; E-Mail Address, talton.chuck@epa.gov
- Arnold Ondarza (Regional Public Liaison, Bilingual - Spanish/English):
Contact for “dispute resolution;” 303-312-6777*; E-Mail Address, ondarza.arnold@epa.gov
- Phyllis June Hoey (Community Involvement Coordinator):
Contact for “community involvement” questions; 214-665-8522*;
E-Mail Address, hoey.phyllis@epa.gov

- Karen Bond (State Coordinator):
Contact for State and EPA “cooperative agreements;” 214-665-6682*; E-Mail
Address, bond.karen@epa.gov
- * EPA (Region 6) Superfund Toll-Free Telephone Number: 1-800-533-3508.

Texas Commission on Environmental Quality (TCEQ):

- Alvie Nichols:
512-239-2439**.
- ** TCEQ Toll-Free Telephone Number: 1-800-633-9363.

REALIZED CLEANUP BENEFITS

- The investigation and cleanup, if necessary, of the Site will ensure the protection of human health and the environment. Specific cleanup benefits will be identified during the Remedial Investigation and Feasibility Study currently being planned for the Site.